# TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 202 and 355 of the Fish and Game Code and to implement, interpret or make specific sections 202, 355, and 356 of said Code, proposes to amend Section 502, Title 14, California Code of Regulations, relating to waterfowl hunting.

# **Informative Digest/Policy Statement Overview**

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and establish daily bag and possession limits. In addition to the five proposals contained herein, the U.S. Fish and Wildlife Service (Service), after analysis of waterfowl population survey and other data, may change federal regulations; if this occurs changes in existing and proposed regulations in California may be necessary. Changes in federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. Item 4 requires changes in the federal regulations and must be approved by the Pacific Flyway Council at its meeting on July 24, 2009. Item 5 (including the table below) provides a proposed range of season dates and bag limits for waterfowl. The Service will consider recommendations from the Flyway Council at their meeting on July 30. 2009. At this time, the California Breeding Pair Survey has not been conducted and the Service has not established federal regulation "frameworks" which will occur in August after the analysis of current waterfowl population survey, other data, input from the Flyway Councils and the public. Also, minor editorial changes are proposed to clarify and simplify the regulations and to comply with existing federal frameworks.

The Department's proposals are as follows:

- 1. Increase the white-fronted goose daily bag limit to 6 geese per day in the Northeastern, Southern San Joaquin Valley, and Balance of State zones. Also, the white-fronted goose, Large and Small Canada goose daily bag limits will be collectively called dark geese in the Southern San Joaquin Valley and Balance of State zones.
- Increase the Large Canada goose daily bag limit to 6 per day in the Southern San Joaquin Valley and Balance of State zones. Also, the white-fronted goose, Large and Small Canada goose daily bag limits will be collectively called dark geese in the Southern San Joaquin Valley and Balance of State zones.
- 3. Change the name of the Youth Hunting Days section to Youth Waterfowl Hunting Days.
- 4. Modify the opening date of the Sacramento Valley (West) Special Management Area to open concurrently with the general goose season in the Balance of State Zone. This proposal requires approval by the Pacific Flyway Council and the U.S. Fish and Wildlife Service.
- 5. Provide a range of waterfowl hunting season lengths (which may be split into two segments) between 38 and 107 days for all hunting methods. A range of daily bag limits is also given for ducks in all zones. Also, federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone. See the following table for season and bag limit ranges.

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Southern San Joaquin  Very Cone  Section Petrobern 3 and 10'd days  Geese 88-101 days  Geese 88-101 days  Final Convastack and Scaup.  Colorado River Zone  Ducks  Section Between 38 & 10'd days  Final Convastack and Scaup.  Colorado River Zone  Ducks  Section Between 38 & 10'd days  Final Between 38 & 10'd days  Geose 91'd days 10'd days  Convastack and Scaup.  Geose 10'd days  Final Between 38 & 10'd days  Geose 10'd days  Geo	Season may be split for Ducks, Pintail, Canvasback and Scaup.			
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Martis Creek Lake  Northern Brant  Black Brant  Between 0 & 30 days, must end by Dec 15  Between 0 & 30 days, must end by Dec 15  Between 0 & 30 days, must end by Dec 15  Between 0 & 30 days, must end by Dec 15  Between 0 & 30 days, must end by Dec 15  Imperial County  White Geese  Between 0 and 102 days  Season  YOUTH WATERFOWL HUNTING DAYS  Northeastern Zone  Southern San Joaquin Valley Zone  Same as regular season  Colorado River Zone  Balance of State Zone  Balance of State Zone  Balance of State Zone  Same as regular Season  Balance of State Zone  Southern San Joaquin  Valley Zone  Balance of State Zone  Southern San Joaquin  Valley Zone  Balance of State Zone  Southern San Joaquin  Valley Zone  Same as regular season  Between 38 and 107 days		geese	goose season through Dec 14	, , ,
Balance of State Brant   Black Brant   Black Brant   Between 0 & 30 days, must end by Dec 15   2/day. Possession limit double the daily bag.	Morro Bay	All species	Open in designated areas only	Waterfowl season opens concurrently with brant season.
Balance of State Brant Black Brant Black Brant Black Brant Black Brant Between 0 & 30 days, must end by Dec 15 2/day. Possession limit double the daily bag.    Imperial County   White Geese   Between 0 and 102 days   6/day. Possession limit double the daily bag.   YOUTH WATERFOWL HUNTING DAYS   SPECIES   SEASON DAILY BAG & POSSESSION LIMITS	Martis Creek Lake	All species	Closed until Nov 16	
Imperial County  White Geese  Between 0 and 102 days  Fourth Water Fow Hunting Days  Northeastern Zone  Southern San Joaquin Valley Zone  Southern California Zone  Balance of State Zone  Souther San Joaquin  Balance of State Zone  Southern San Joaquin  White Geese  Between 0 and 102 days  SEASON  DAILY BAG & POSSESSION LIMITS  DAILY BAG & POSSESSION LIMITS  DAILY BAG & POSSESSION LIMITS  The Saturday fourteen days before the opening of waterfowl season extending for 2 days.  The Saturday following the closing of waterfowl season extending for 2 days.  The Saturday following the closing for waterfowl season extending for 2 days.  The Saturday following the closing for waterfowl season extending for 2 days.  The Saturday following the closing for waterfowl season extending for 2 days.  The Saturday following the closing for waterfowl season extending for 2 days.  The Saturday following the closing of waterfowl season extending for 2 days.  The Saturday following the closing for waterfowl season extending for 2 days.  The Saturday following the closing of waterfowl season extending for 2 days.  The Saturday following the closing for waterfowl season extending for 2 days.  The Saturday following the closing for waterfowl season extending for 2 days.  The Saturday following the closing for waterfowl season extending for 2 days.  The Saturday following the closing for waterfowl season extending for 2 days.  The Saturday following the closing for waterfowl season extending for 2 days.  The Saturday following the closing of waterfowl season extending for 2 days.  The Saturday following the closing of waterfowl season extending for 2 days.  The Saturday following the closing of waterfowl season extending for 2 days.  The Saturday following the closing of waterfowl season extending for 2 days.  Same as regular season  Same as regular season  Balance of State Zone Southern California Zone  Southern California Zone  Southern California Zone  Between 38 and 107 days  Between 38 and 107 days  Between 38 and 107 days	Northern Brant	Black Brant		2/day. Possession limit double the daily bag.
YOUTH WATERFOWL HUNTING DAYS   SPECIES   SEASON   DAILY BAG & POSSESSION LIMITS	Balance of State Brant	Black Brant		2/day. Possession limit double the daily bag.
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Colorado River Zone  Balance of State Zone  FALCONRY OF DUCKS Northeastern Zone  Balance of State Zone  Southern San Joaquin Valley Zone  Southern California Zone  Closing for waterfowl season extending for 2 days.  The Saturday following the closing of waterfowl season extending for 2 days.  SPECIES  SEASON DAILY BAG & POSSESSION LIMITS  105 days  Between 38 and 107 days  Between 38 and 107 days  Southern California Zone  Between 38 and 107 days  Between 38 and 107 days  Between 38 and 107 days	Southern California Zone		closing of waterfowl season extending for 2 days.	
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Southern San Joaquin Valley Zone  Southern California Zone  Between 38 and 107 days  Between 38 and 107 days  3/ day, possession limit 6	Northeastern Zone		105 days	
Southern San Joaquin Valley Zone  Southern California Zone  Between 38 and 107 days  Season  Between 38 and 107 days  Between 38 and 107 days		Same as regular	Between 38 and 107 days	
	Valley Zone	_	<u> </u>	3/ day, possession limit 6
Colorado River Zone Ducks only Between 38 and 107 days		Ducks only		1

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on Thursday, June 25, 2009 at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on Thursday, August 6, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 31, 2009 at the address given below, or by fax at (916) 653-5040, or by e-mail to <a href="FGC@fgc.ca.gov">FGC@fgc.ca.gov</a>. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 3, 2009. All comments must be received no later than August 6, 2009, at the hearing in Woodland, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Fonbuena at the preceding address or phone number. **Dr. Eric Loft, Wildlife Branch, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.**Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.fgc.ca.gov.

### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 355 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

## **Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:
  - The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.
- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
  - The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

#### Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

# Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

John Carlson, Jr. Executive Director

Dated: May 19, 2009